

Application No.: 10/033,883

Docket No.: JCLA3573

REMARKS**Present Status of the Application**

Claims 1-10 are pending of which claims 1, 3-5, 7-8 and 10 have been amended and claim 2 has been canceled without prejudice or disclaimer in order to more explicitly describe the claimed invention. Further, Figure 1 has been amended for correcting the informality as shown in red ink in a separate accompanying page. Applicants respectfully submit that upon acceptance of the proposed amendment to Figure 1 by the Examiner and allowance of this application, a formal corrected drawing will be submitted. It is believed that no new matter adds by way of amendments made to claims or otherwise to the application. For at least the foregoing reason, Applicants respectfully submit that claims 1 and 3-10 patently define over prior art of record and reconsideration of this application is respectfully requested.

Discussion of objection to Specification

1. *The Office Action objected to the specification under 37 CFR 1.75(d)(1) and MPEP 608.01(o) for failing to provide proper antecedent basis for the claimed subject matter. Correction of the following is required: Claims 1, 2 and 3 recite the limitation "scanning processor unit". This limitation is not defined, described or disclosed in the specification.*

In response thereto, Applicants would like to thank the Examiner for pointing out the informalities and accordingly Applicants amended Claims 1 and 3, and canceled Claim 2. Reconsideration is respectfully requested.

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Discussion of objection to Drawings

2. The Office Action objected to drawings under 37 CFR 1.8(a). The drawings must show every feature of the invention specified in claims. Therefore, the "scanning processor unit" of claims 1-3 must be shown or the feature canceled from the claims.

In response thereto, Applicants would like to thank the Examiner for pointing out the informalities and accordingly Applicants amended Claims 1 and 3, and canceled Claim 2. Reconsideration is respectfully requested.

3. The Office Action objected to drawings for failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign not mentioned in the description: The reference sign 100 of Figure 1 is not disclosed in the specification. A proposed drawing correction, corrected drawings or amendment to the specification to add the reference sign in the description, are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

In response thereto, Applicants would like to thank the Examiner for pointing out the informalities and accordingly Applicants amended Figure 1, wherein the reference number 100 and the block representing reference number 100 have been deleted. After entry of the amendments to Figure 1, it is believed that the above objections can be overcome. Applicants respectfully submit that upon acceptance of the proposed amendment to Figure 1 by the Examiner and allowance of this application, a formal corrected drawing will be submitted. Reconsideration is respectfully requested.

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4. The Office Action objected to the drawings because Claim 1 states that the driver device receives the driver signal and accordingly drives the scanning processor (assumed to be scanner device for examination purpose). But the direction of the arrow on the line connecting the scanner device and the driver device in Figure 1, it appears that the scanner device is driving the driver device instead of driver device driving the scanner device. A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

In response thereto, Applicants would like to thank the Examiner for pointing out the informalities and accordingly Applicants amended Figure 1 as shown in red ink in separate accompany pages. After entry of the amendments to Figure 1, it is believed that the above objections can be overcome. Reconsideration is respectfully requested.

Discussion of claim objection

5. The Office Action objected to claims 7 and 10 because of the following informalities: From the way claims 7 and 10 are structured, it gives the appearance that they are directed to a method of using applicants claimed device. Appropriate correction is required.

In response thereto, Applicants would like to thank the Examiner for pointing out the informalities and accordingly amended claims 7 and 10 for overcoming the Examiner's objections. Reconsideration is respectfully requested.

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Discussion of the claim rejection under 35 USC 112

6. The Office Action rejected Claims 1-3 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

In rejecting the above claims, the Examiner stated that Claims 1-3 recite the limitation "scanning processor unit". This limitation is not defined, described or disclosed in the specification.

In response thereto, Applicants would like to thank the Examiner for pointing out the informalities and accordingly Applicants amended Claims 1 and 3, and canceled Claim 2. Reconsideration is respectfully requested.

7. The Office Action rejected Claim 1 under U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In rejecting claim 1, the Examiner stated that Claim 1 recite "...a controller device that is coupled with the scanning processor unit..." creates a doubt as if said controller device is directly coupled with the scanning processor unit (assumed to be "scanner device" for examination purposes; in addition to the controller device's coupling with "a computing unit" or if said controller device is coupled indirectly (via the driver device) with the scanning processor unit. Accordingly, the above limitation has rendered the claim vague and indefinite. Appropriate correction is required.

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In response thereto, Applicants would like to thank the Examiner for pointing out the informalities and accordingly Applicants amended Claim 1 for overcoming the Examiner's rejections. Reconsideration is respectfully requested.

8. The Office Action rejected Claim 2 under U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In rejecting claim 2, the Examiner stated that Claim 2 recite "...a scanning processor unit further comprises scanner device that scans the testing support..." creates a doubt as to the number of scanner devices in the apparatus because, according to Claim 1, the scanning processor unit also scans the testing support. This creates the perception that there are at least two scanner devices in the apparatus, which is not disclosed or described in the specification or shown in the drawing. Accordingly, the above limitation has rendered the claim vague and indefinite. Appropriate correction is required.

In response thereto, Applicants would like to thank the Examiner for pointing out the informalities and accordingly Applicants canceled Claim 2. Reconsideration is respectfully requested.

Discussion of the claim rejection under 35 USC 103

9. The Office Action rejected claims 1, 3 and 4 under 35 USC 103(a) as being unpatentable over Klein (US-4,554,460, hereinafter Klein).

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Applicants respectfully disagree and traverse the above rejections as follows. Applicants would like to point out that Klein substantially fails to at least disclose "a scanner device, for scanning the testing support suitable for supporting a reaction of analytes in the sample to achieve a color separation, wherein the scanner device outputs a test signal in response to scanning of the testing support after the reaction of the analytes; and a driver device, coupled to the controller device for receiving the driver signal and driving the scanner device to measure concentrations of the analytes" as required by the independent claim 1, instead Klein substantially discloses a scanner (52) for scanning a transparency (18) or a photograph (please see col. 5, line 12). Accordingly, Applicants respectfully submit that Klein cannot meet independent claim 1 in this regard.

Furthermore, Klein, because Klein fails to teach, suggest or disclose at least a scanning analyzer unit for scanning a testing support suitable for supporting reaction of analytes, and therefore Klein cannot possibly teach, suggest or disclose a driver device coupled to the controller device for receiving the driver signal and driving the scanner device to measure concentrations of the analytes as required by claim 1. Accordingly, Klein cannot possibly meet the independent claim 1 in this regard.

For at least the above reasons, Applicants respectfully submit that claims 1, 3 and 4 patently define over Klein and should be allowed. Reconsideration and withdrawal of these rejections is respectfully requested.

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10. The Office Action rejected claims 2 and 5-10 under 35 USC 103(a) as being unpatentable over Klein in view of what is commonly known in the art.

Applicants respectfully submit that Claim 2 has been canceled without prejudice or disclaimer, accordingly, rejection of claim 2 is now moot.

Applicants respectfully disagree and submit that the amended independent claim 8 also recite the features recited in independent claim 1, which is not taught, suggested or disclosed by Klein as substantially described above, and therefore, independent claim 8 is also allowable over Klein for the same reasons discussed above.

Furthermore, with regard to claims 5, 6 and 9, which directly or indirectly depend from independent claims 1 and 8, are also allowable for at least their dependency over allowable base claim. Accordingly, Applicants respectfully submit that claims 5-10 patently define over Klein. Reconsideration is respectfully requested.

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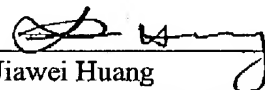
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1, 3-10 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,
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